

Application Serial No. 10/010,293
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REMARKS

In the "final" Office Action dated October 15, 2004, claims 1, 4, 10, 11, 13, 15, 30, 36, and 37 are rejected under 35 U.S.C. §102(b) as being anticipated by Marshall. Claims 5-9, 12, 31-35, and 38 are allowed.

Claims 15, 30, 33, 36, and 37 have been canceled without prejudice, as the subject matter thereof is duplicate of the same subject matter set forth in claim 1 and the claims depending therefrom. Claims 1, 5, 6, and 11 have been amended to more specifically define the features of Applicants' invention. For the reasons set forth herein, it is respectfully submitted that Applicants' invention as set forth in the rejected claims 1, 4, 10, 11, and 13 includes features which are not anticipated by the cited reference. Reconsideration is respectfully requested.

Claims 1, 4, 10, 11, and 13 are rejected under 35 U.S.C. §102(b) as being anticipated by Marshall. The Examiner contends that Marshall teaches all of the elements of Applicants' invention as set forth in claims 1, 4, 10, 11, and 13. The Examiner further notes that the first portion of the contact member in Marshall is at least in electrical and/or thermal contact with the housing. The Examiner also notes that while the housing of Marshall is defined at least in part by element 10, elements 6, and 36 also define at least a part of the housing.

However, it is respectfully submitted that the Examiner's interpretation of Marshall is erroneously based such that Applicants still submit that Marshall fails to teach or anticipate all of the features of Applicants' invention as set forth in claims 1, 4, 10, 11, and 13.

It is respectfully submitted that the Examiner's interpretation of the element 6 and 36 of Marshall as defining part of the housing in combination with element 10 is outside of the scope of Marshall and appears to be based on the impermissible use of hindsight reconstruction wherein Applicants' own invention is used as a teaching for a modification of a reference. It is submitted that any housing in Marshall is defined only by the elements 10, 20, and 36. The ferrules 6 are specifically defined in Marshall as being affixed to and part of the tubes 2 and 4.

Thus, any interpretation of the ferrules 6 which are fixedly mounted on and are part of

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tubes 2 and 4 as forming part of the housing is directly opposed to what one of ordinary skill in the art would reasonably interpret as the teachings of Marshall.

Further, the contact member W in Marshall establishes electrical contact between the end flange on the ferrules 6 attached to the tube 2 and an inner surface of the bore in the opposite ferrule 6. Thus, Marshall is clearly directed to an electric contact path formed between the end flange of one tube and an adjacent, spaced tube. Marshall is devoid of any teaching or suggestion of establishing electrical direct contact between an inner surface of a bore in an endform or tubular member and a quick connector housing in which the contact member is mounted and which receives the endform.

For these reasons, it is respectfully submitted that Applicants' invention as set forth in claims 1, 4, 10, and 13 includes features which are not anticipated by Marshall.

In summary, for the reasons set forth herein, it is respectfully submitted that Applicants' invention as set forth in rejected claims 1, 4, 10, and 13 includes features which are not anticipated by the cited reference. Thus, Applicants' invention as set forth in claims 1, 4, 10, and 13 is submitted to be in condition for allowance along with all the other pending claims in the application which have already been allowed by the Examiner. Thus, Notice of Allowance is submitted to be warranted and is respectfully requested.

Entry of this Amendment under the provisions of Rule 37 C.F.R. 1.116 is warranted and is respectfully requested. By this Amendment, independent claim 1 has been amended to more specifically define the features of the invention thereby patentably distinguishing claim 1 and the claims depending therefrom over the cited reference. The amendments to claim 1 are being submitted at this time as a result of comments made by the Examiner during a recent personal interview.

Even though Applicants submit that this Amendment meets the provisions of Rule 37 C.F.R. 1.116 for entry of an Amendment after a "final" Office Action, in the event that the Examiner, after considering the Amendment, is of the opinion that the amendments of the claims do not place the rejected claims in

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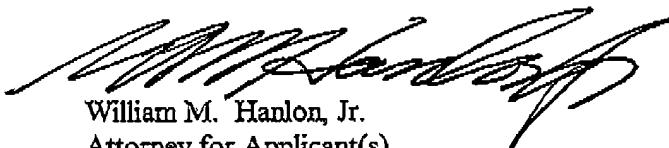
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allowable condition, he is nevertheless respectfully requested to enter this Amendment for purposes of appeal.

If the Examiner believes that further amendments to the claims are necessary to place the claims in allowable condition, he is invited to contact the Applicants' attorney at the below listed telephone number.

Respectfully submitted,

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